# EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

**DOCKET NO.:** 2007-1616-IHW-E **TCEQ ID:** RN100213958 **CASE NO.:** 34745

RESPONDENT NAME: Georgia Gulf Chemicals & Vinyls, LLC

ORDER TYPE:		
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	$\underline{X}$ INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Petrochemical m  SMALL BUSINESS: Yes X  OTHER SIGNIFICANT MATTERS: Ther facility location.  INTERESTED PARTIES: No one other that COMMENTS RECEIVED: The Texas Region CONTACTS AND MAILING LIST:  TCEQ Attorney/SEP Coordinator TCEQ Enforcement Coordinator Bryan Sinclair, Enforcement Division Respondent: Ms. Ana Partin, Environment To Respondent: Ms. Ana Partin, Environment Division Respondent R	e are no complaints. There is no record of additional on the ED and the Respondent has expressed an interister comment period expired on April 14, 2008. Note: None: Mr. Colin Barth, Enforcement Division, Enforcement	al pending enforcement actions regarding this rest in this matter.  c comments were received.  ent Team 7, MC 128, (512) 239-0086; Mr.  yls, LLC, P.O. Box 1959, Pasadena, Texas

# RESPONDENT NAME: Georgia Gulf Chemicals & Vinyls, LLC

**DOCKET NO.:** 2007-1616-IHW-E

#### **VIOLATION SUMMARY CHART:** CORRECTIVE ACTIONS 1101 VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED PARTICLE OF BUILDING VALUE OF STATES OF STREET, 2012/2016 A Type of Investigation: Total Assessed: \$29,510 **Corrective Actions Taken:** Complaint X Routine The Executive Director recognizes that the Total Deferred: \$5,902 \_\_\_ Enforcement Follow-up Respondent has implemented the X Expedited Settlement Records Review following corrective measures at the Facility: Financial Inability to Pay Date(s) of Complaints Relating to this a. The Respondent ceased the Case: None **SEP Conditional Offset: \$0** unauthorized disposal of waste stream Date of Investigation Relating to this 0137603H on February 1, 2007; Total Paid to General Revenue: \$23,608 Case: June 19, 2007 b. A Closure Plan for the BIF unit that Site Compliance History Classification burned hazardous waste stream 0137603H Date of NOV/NOE Relating to this Case: High X Average Poor was approved by the TCEO on August 6, August 29, 2007 (NOE) 2007; Person Compliance History Classification Background Facts: This was a routine High X Average Poor c. The Respondent submitted updates to investigation. the 2006 Annual Waste Summary on Major Source: X Yes \_\_\_ No August 22, 2007; and WASTE Applicable Penalty Policy: September 2002 d. The Respondent updated their NOR on 1) Failed to prevent the unauthorized July 10, 2007 for the following units: 002, disposal of hazardous waste. Specifically, 003, 030, 031, 035, 007, 013, 032, Vfrom January 12, 2006 to February 1, 2007 3402, V-4003, and V-4002. the Respondent was burning hazardous waste stream 0137603H in a Boiler and **Ordering Provisions:** Industrial Furnace ("BIF") unit that was certified closed [30 Tex. ADMIN. CODE § The Order will require the Respondent to: 335.2(a)]. a. Within 45 days after the effective date of 2) Failed to provide secondary this Agreed Order: containment for a tank storing hazardous waste and failed to have a written assessment from a qualified Professional i. Provide secondary containment for tank unit 036/V-24 and provide written Engineer attesting that the tank system has assessment from a qualified Professional sufficient structural integrity and is Engineer attesting that unit 036/V-24 has acceptable for the storing and treating of sufficient structural integrity and is hazardous waste. Specifically, the acceptable for the storing and treating of Respondent stored hazardous waste stream hazardous waste; or 0137603H in tank unit 036/V-24 without secondary containment and assessment ii. Submit an updated NOR to demonstrate from a Professional Engineer [30 Tex. unit 036/V-24 is not a hazardous waste ADMIN. CODE § 335.69(a)(1)(B) and 40 unit and follow all directives from the CODE OF FEDERAL REGULATIONS §§ Waste Permits Division. 265.193(a)(1) and 265.192(a)]. b. Within 60 days after the effective date 3) Failed to update the Notice of of this Agreed Order, submit written Registration ("NOR"). Specifically, the certification and include detailed NOR did not include updates to the supporting documentation including following units; 002, 003, 030, 031, 007, photographs, receipts, and/or other records 013, 032, and 035. Also units V-3402, Vto demonstrate compliance with Ordering 4003, and V-4002 need to be added to the Provision a. NOR and units 030 and 007 need to be associated with waste stream 02182192 [30 Tex. Admin. Code § 335.6(c)].

**RESPONDENT NAME:** Georgia Gulf Chemicals & Vinyls, LLC **DOCKET NO.:** 2007-1616-IHW-E

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4) Failed to maintain an accurate Annual Waste Summary in 2006. Specifically, the Annual Waste Summary for 2006 did not contain waste stream 0137603H or the amount of waste generated at the Facility [30 Tex. ADMIN. CODE § 335.9(a)(2)].	

Additional ID No(s).: 31608, 50380

Policy Revision 2 (Sep		nalty	Calculation	on Work	sheet (P	CW)  PCW Revision Sep	tember 19, 2007
TCEQ							
DATES Assigned PCW		Screeni	ng 3-Oct-2007	EPA Due	egogya (See See See See See See See See See Se		
RESPONDENT/FACILITY					4 (2) (4)		
Respondent Reg. Ent. Ref. No.	Georgia Gulf Che	emicals 8	& Vinyls, LLC				
Facility/Site Region				Major/	Minor Source	Major	$\dashv$
CASE INFORMATION							
Enf./Case ID No.	34745			T No.	. of Violations	4	4
Docket No.	2007-1616-IHW-I				Order Type	1660	
Media Program(s)	Industrial and Ha	zardous	Waste	Ent	f. Coordinator		
Multi-Media Admin. Penalty \$ I	Limit Minimum	\$0	Maximum	\$10,000	EC's Team	EnforcementTeam 7	
							***************************************
		Pen	alty Calcul	ation Sec	tion		
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Culpability	No		09	6 Enhancement		Subtotal 4	\$0
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			·				
Good Faith Effor			0%			Subtotal 5	\$0
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Ordinary							
N/A	X (r	nark with x	()			1	•
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i i de la Companya de Sala de la Companya de la Co			the sales where the sales are a second	6 Enhancement*		Subtotal 6	\$0
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<b>DEFERRAL</b> Reduces the Final Assessed Per	alty by the indicted pe	ercentage	(Enter number only:	20% e.g. 20 for 20% red	Reduction	Adjustment	-\$5,902
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Notes	. D	eferral o	ffered for expedit	ed settlement.			
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PAYABLE PENALTY							\$23,608
							Ţ,000

Screening Date 3-Oct-2007

Docket No. 2007-1616-IHW-E

PCW

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

Adjust.

Enter Number Here

Respondent Georgia Gulf Chemicals & Vinyls, LLC

Case ID No. 34745

Reg. Ent. Reference No. RN100213958

Media [Statute] Industrial and Hazardous Waste

(number of NOVs meeting criteria)

Enf. Coordinator Colin Barth

>> Compliance History Site Enhancement (Subtotal 2)
Component Number of...

**NOVs** 

**Compliance History Worksheet** 

Written NOVs with same or similar violations as those in the current enforcement action

Other written NOVs Any agreed final enforcement orders containing a denial of liability (number of orders nooting critoria)  Orders  Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory on mergency orders issued by the continuistion  Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting of sorieria)  Any adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting of sorieria)  Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government (number of counts)  Convictions  Any criminal convictions of this state or the federal government (number of counts)  O	11072	(number of NOvs meeting chieffa)		1
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Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)  Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)  Other  Environmental management systems in place for one year or more  No 0%  Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  Participation in a voluntary pollution reduction program  Participation in a voluntary pollution reduction program  No 0%  Early compliance with, or offer of a product that meets future state or federal government No 0%  Adjustment Percentage (Subtotal audits Violator (Subtotal 3)  No Adjustment Percentage (Subtotal 4)  Average Performer  Adjustment Percentage (Subtotal 5)  Average Performer  Adjustment Percentage (Subtotal 6)  The penalty was enhanced due to five NOVs with dissimilar violations and one 1660 Order at this site within the past five years.	Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)  Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)  Other  Environmental management systems in place for one year or more  No 0%  Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  Participation in a voluntary pollution reduction program  Participation in a voluntary pollution reduction program  No 0%  Early compliance with, or offer of a product that meets future state or federal government No 0%  Adjustment Percentage (Subtotal at Violator (Subtotal 3)  No Adjustment Percentage (Subtotal 4)  Average Performer  Adjustment Percentage (Subtotal 5)  Average Performer  Adjustment Percentage (Subtotal 6)  The penalty was enhanced due to five NOVs with dissimilar violations and one 1660 Order at this site within the past five years.			0	0%
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Total Adjustment Percentage (Subtotals 2, 3, & 7		Total Adjustment Percentage	(Subtotals 2	, 3, & 7)

Screening	g <b>Date</b> 3-Oct-2007	Do.	ocket No. 2007-1616-IHW-E	PCW
real control of the c	and the state of t	Chemicals & Vinyls, LLC		Policy Revision 2 (September 2002)
	ID No. 34745			PCW Revision September 19, 2007
Reg. Ent. Referen				
· 1. 1991 1991	tatute] Industrial and linator Colin Barth	Hazardous vvaste		
Violation N				
	· · · · · · · · · · · · · · · · · · ·			<del></del>
Rule	· Cite(s)	30 Tex. Admir	n. Code § 335.2(a)	
Violation Desc	cription an investigat	ion conducted on June 19, 2 007 the Respondent was bu	al of hazardous waste, as documente 2007. Specifically, from January 12, i irning hazardous waste stream 01376 "BIF") unit that was certified closed.	2006 to
,			Base	Penalty \$10,000
>> Environmental, Pro	perty and Human l			
F	Release Major	Harm Moderate Minor		
OR	Actual			***************************************
F	Potential	x	Percent 25%	***************************************
>> Ducaron motio Motri				***************************************
>>Programmatic Matri	x fication Major	Moderate Minor		
			Percent 0%	
Matrix Notes			sed to significant amounts of pollutant man health or environmental receptor	
			Adjustment	\$7,500
				\$2,500
Violation Events				
Numb	er of Violation Events	1	48 Number of violation days	3
	daily		<del></del>	
	monthly only one quarterly h an x semiannual annual single event	x	Violation Base	Penalty \$2,500
l <del></del>				
One	e quarterly event is reco	ommended from the investig 2007 date of com	gation date of June 19, 2007 to the Au pliance.	gust 6,
Economic Benefit (EB)	for this violation		Statutory Limit Tes	t
E	stimated EB Amount[	\$13]	Violation Final Pena	Ity Total \$3,250
		This violation F	Final Assessed Penalty (adjusted fo	or limits) \$3,250
		THE FIGURESH	The state of the s	,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,

Violation No		Hazardous Waste				Percent Interest	Years of Depreciation
						5.0	1
	· Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs							
Equipment				0,0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Training/Sampling Remediation/Disposal				0.0	\$0	n/a	\$0
Training/Sampling Remediation/Disposal Permit Costs				0.0	\$0 \$0	n/a n/a	\$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)		19-Jun-2007		0,0 0.0 0.1	\$0 \$0 \$13 n a closed down B	n/a n/a n/a IF and submit an am	\$0 \$0 \$13 ended closure
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Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs	Estimated co	st to cease burning v	waste stream 013 equired is the inve	0.0 0.0 0.1 67603H in estigation	\$0 \$0 \$13 n a closed down B n date and the Fina item (except for a	n/a n/a n/a IF and submit an am al Date is the date of one-time avoided c	\$0 \$0 \$13 ended closure compliance.
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs  Disposal	Estimated co	st to cease burning v	waste stream 013 equired is the inve	0.0 0.0 0.1 67603H in estigation	\$0 \$0 \$13 n a closed down B n date and the Fina item (except for a	n/a n/a n/a iF and submit an am al Date is the date of one-time avoided c	\$0 \$0 \$13 ended closure compliance.
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Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated co	st to cease burning v	waste stream 013 equired is the inve	0.0 0.0 0.1 67603H in estigation entering 0.0 0.0	\$0 \$0 \$13 n a closed down B n date and the Fina item (except for a \$0 \$0	n/a n/a n/a n/a  IF and submit an am al Date is the date of one-time avoided c \$0 \$0 \$0 \$0	\$0 \$0 \$13 hended closure compliance.
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated co	st to cease burning v	waste stream 013 equired is the inve	0.0 0.0 0.1 37603H in estigation entering 0.0 0.0 0.0	\$0 \$0 \$13 n a closed down B n date and the Fina item (except for a \$0 \$0 \$0 \$0	n/a n/a n/a n/a  IF and submit an am al Date is the date of  one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$13 ended closure compliance.
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2]	Estimated co	st to cease burning v	waste stream 013 equired is the inve	0.0 0.0 0.1 0.1 0.7603H in estigation entering 0.0 0.0 0.0 0.0	\$0 \$0 \$13 n a closed down B n date and the Fina item (except for a \$0 \$0 \$0 \$0	n/a n/a n/a n/a  F and submit an am al Date is the date of  one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$13 ended closure compliance. osts) \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	st to cease burning v	waste stream 013 equired is the inve	0.0 0.0 0.1 0.1 0.1 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$13 n a closed down B n date and the Fina item (except for a \$0 \$0 \$0 \$0 \$0 \$0	ir and submit an am all Date is the date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$13 ended closure compliance. sots) \$0 \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated co	st to cease burning v	waste stream 013 equired is the inve	0.0 0.0 0.1 0.1 0.1 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$13 n a closed down B n date and the Fina item (except for a \$0 \$0 \$0 \$0 \$0 \$0	ir and submit an am all Date is the date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$13 ended closure compliance. sots) \$0 \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Suppiles/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated co	st to cease burning v	waste stream 013 equired is the inve	0.0 0.0 0.1 0.1 0.1 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$13 n a closed down B n date and the Fina item (except for a \$0 \$0 \$0 \$0 \$0 \$0	ir and submit an am all Date is the date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$13 ended closure compliance. sots) \$0 \$0 \$0 \$0 \$0

Sci	eening Date	3-Oct-2007			Docket I	<b>No.</b> 2007-161	6-IHW-E		PCW
	Respondent	-	Chemicals & '	Vinyls, LLC				Policy Rev	ision 2 (September 2002)
	Case ID No.			•				PCW Revi	sion September 19, 2007
. 1 1	eference No.								
	dia [Statute]		Hazardous V	Vaste					
	Coordinator		ı						
Vic	olation Number	2			VB) 14				
	Rule Cite(s)	30 Tex. /	Admin. Code {	335.69(a)(1 265.193(a)			eral Regulation	s §§	
Violati	on Description	failed to have the tank sys treating of ha 19, 2007.	e a written ass stem has suffic szardous wast Specifically, th	essment from cient structura e, as docume e Responden secondary co	n a qualifie al integrity a ented durina at stored ha	d Professional and is accepta g an investigat azardous waste	hazardous was Engineer attes ble for the stor tion conducted e stream 01376 ent from a Prof	iting that ing and on June 603H in	
	·						Base	Penalty [	\$10,000
>> Environment	al. Property a	ind Human	Health Mat	rix					
- Litti olimoni	ai, i roporcy c		Harm						
	Release	Major	Moderate	Minor	_				
OR	Actual								
	Potential	x			_	Percent	50%		
_									
>>Programmatio		Majar	Moderate	Minor					
	Falsification	Major	Moderate	Minor	٦	Percent	0%		
					<b>∄</b> .	reiceilt	0 76		
Matrix Notes	Human health					lutants which w nental receptors	vould exceed le s.		
						Adjustmen	t	\$5,000	
								Г	\$5,000
								L	ΨΟ,000
Violation Events									
	Number of Vio	olation Events	4		106	Number o	of violation days	5	
	mark only one with an x	daily monthly quarterly semiannual annual single event	X			· •	Violation Base	Penalty	\$20,000
	Four monthly	y events are re		from the inve		ate of June 19,	, 2007 to the so	creening	
Economic Bene	fit (EB) for th	is violation				Statuto	ry Limit Tes	t	
	Estimate	d EB Amount		\$890	<u> </u>	Violat	ion Final Pena	ilty Total	\$26,000
				This violatio	n Final Ac	sessed Penal	ty (adjusted fo	or limits)	\$26,000
				Tiolatio	., ,u. As	i cilai	ij (aajastou N	ຜ,∟	Ψ20,000

I.Z	E	conomic E	Benefit W	orks	sheet		
	•	hemicals & Vinyls, I	.LC				
Case ID No.							
Reg. Ent. Reference No.						distriction and a second second	
		Hazardous Waste				Percent Interest	Years of
Violation No.	2	and the second s					Depreciation
					10	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	130000000000000000000000000000000000000			Color You U.	1 1 2 1 1 1 1 1 1 1 1 1	
B. H. A. A. W.							· . 2
Delayed Costs	\$13,000	19-Jun-2007	10-Jun-2008	1.0	\$42	\$848	\$890
Equipment Buildings	\$13,000	19-Jun-2007	10-3011-2008	0,0	\$0	\$0	\$0
Other (as needed)		-	<del></del>	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System			11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs		date an	d the Final Date i	s the es	timated date of co	Date Required is the high part of the hi	, \$ 1 18 1 Pi
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]		<u> </u>		0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0,0	\$0	\$0	\$0
Other (as needed)		<u>IL. i</u>	*	0.0	\$0	\$0	\$0
Notes for AVOIDED costs	*				e de la companya del companya de la companya del companya de la co		
HOTES TO A A CIDED COSTS		1			ing in the second The second second		
Approx. Cost of Compliance		\$13,000			TOTAL		\$890

Screening Date	3-Oct-2007		Oocket No. 2007-1616-IHW-E		PCW
to the first term of the control of	_	emicals & Vinyls, LLC		Policy Revision 2	(September 2002)
Case ID No.				PCW Revision S	eptember 19, 2007
Reg. Ent. Reference No.					***************************************
Media [Statute]		zardous Waste			***************************************
Enf. Coordinator Violation Number					
Rule Cite(s)	l	Weeken			
		30 Tex. Admi	n. Code § 335.6(c)		-
Violation Description	investigation updates to the fo	conducted on June 19, 2 llowing units: 002, 003, 0 nd V-4002 need to be ad-	stration (NOR), as documented di 2007. Specifically, the NOR did n 030, 031, 007, 013, 032, and 035. ded to the NOR and units 030 an waste stream 02182192.	ot include Also units V-	
				Base Penalty	\$10,000
>> Environmental, Property a	and Human He	alth Matrix Harm			va anno anno anno anno anno anno anno an
Release	Major M	loderate Minor			0.000
OR Actual					
Potentia			Percent (	0%]	
>>Programmatic Matrix					***
Falsification	Major M	loderate Minor			annama ann
		X	Percent	1%	***************************************
Matrix Notes	Grea	ter than 70% of the rule ı	requirement was met.		
			Adjustment	\$9,900	
					£400
					\$100
Violation Events					***************************************
	⊏	<del></del>			***************************************
Number of Vi	olation Events		106 Number of violation	i days	and the second s
mark only one with an x	daily monthly quarterly semiannual annual single event	X	Violation	Base Penalty	\$100
		One single event is re	ecommended.		
Economic Benefit (EB) for th			Statutory Limit		
Estimate	d EB Amount	\$24	Violation Final	Penalty Total	\$130
		This violation	Final Assessed Penalty (adjus	ted for limits)	\$130

		lazardous Waste				Percent Interest	Years of Depreciation
					n de la company	5.0	1:
<b>₽</b> ** - * * * * * * * * * * * * * * * * *	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
\$ 200	The second second	(519.799 5 des)	a nimbA mif 4E				
Delayed Costs	<del></del>	v		il	60	T 60	<u> </u>
Equipment	ļ			0.0	\$0 \$0	\$0 \$0	\$0 \$0
Buildings Other (as needed)		7		0.0	\$0	\$0	\$0 \$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
			* * * * * * * * * * * * * * * * * * * *	N 0.0	1 \$0	n/a	\$0
Training/Sampling				0.0	\$0 \$0	n/a n/a	\$0 \$0
					\$0 \$0 \$0		\$0 \$0 \$0
Training/Sampling Remediation/Disposal	\$500 Estimated cos	19-Jun-2007		0.0 0.0 1.0 Date R	\$0 \$0 \$24 equired is the inve	n/a	\$0 \$0 \$24
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)	Estimated cos	st to submit updates	s to the NOR. The the estimate	0.0 0.0 1.0 Date R	\$0 \$0 \$24 equired is the inve	n/a n/a n/a	\$0 \$0 \$24 ne Final Date is
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs	Estimated cos	st to submit updates	s to the NOR. The the estimate	0.0 0.0 1.0 Date Red date of	\$0 \$0 \$24 equired is the inveored from the inveored from the inverse from	n/a n/a n/a estigation date and the one-time avoided of	\$0 \$0 \$24 ne Final Date is costs)
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel	Estimated cos	st to submit updates	s to the NOR. The the estimate	0.0 0.0 1.0 Date Red date of	\$0 \$0 \$24 equired is the inveor compliance. Item (except for \$0 \$0	n/a n/a n/a estigation date and the one-time avoided of \$0 \$0	\$0 \$0 \$24 ne Final Date is sosts) \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling	Estimated cos	st to submit updates	s to the NOR. The the estimate	0.0 0.0 1.0 Date Red date of the contents of t	\$0 \$0 \$24 equired is the inverse of compliance. Item (except for \$0 \$0 \$0	n/a n/a n/a n/a one-time avoided c \$0 \$0 \$0	\$0 \$0 \$24 ne Final Date is sosts) \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cos	st to submit updates	s to the NOR. The the estimate	0.0 0.0 1.0 Date Red date of the control of the con	\$0 \$0 \$24 equired is the inveor compliance. Item (except for \$0 \$0 \$0	n/a n/a n/a n/a estigation date and the solution date avoided of \$0 \$0 \$0 \$0	\$0 \$0 \$24 ne Final Date is oosts) \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	st to submit updates	s to the NOR. The the estimate	0.0 0.0 1.0 Date Red date of the control of the con	\$0 \$0 \$24 equired is the investor compliance. Item (except for \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a stigation date and th  cone-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$24 ne Final Date is sosts) \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	st to submit updates	s to the NOR. The the estimate	0.0 0.0 1.0 Date Red date of 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$24 equired is the investigation of compliance. Item (except for \$0 \$0 \$0 \$0 \$0	n/a n/a n/a n/a stigation date and the solution one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$24 ne Final Date is sosts) \$0 \$0 \$0 \$0 \$0
Training/Sampling Remediation/Disposal Permit Costs Other (as needed)  Notes for DELAYED costs  AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	st to submit updates	s to the NOR. The the estimate	0.0 0.0 1.0 Date Red date of the control of the con	\$0 \$0 \$24 equired is the investor compliance. Item (except for \$0 \$0 \$0 \$0	n/a n/a n/a n/a n/a stigation date and th  cone-time avoided of \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$24 ne Final Date is sosts) \$0 \$0 \$0

Screening Date 3-		PCW
	eorgia Gulf Chemicals & Vinyls, LLC	Policy Revision 2 (September 2002)
Case ID No. 34 Reg. Ent. Reference No. R		PCW Revision September 19, 2007
	dustrial and Hazardous Waste	
Enf. Coordinator C	olin Barth	
Violation Number	4	
Rule Cite(s)	30 Tex. Admin. Code § 335.9(a)(2)	
Violation Description 2	Failed to maintain an accurate Annual Waste Summary, as documented vestigation conducted on June 19, 2007. Specifically, the Annual Waste 3006 did not contain waste stream 0137603H or the amount of waste get Facility in 2006.	Summary for
		Base Penalty \$10,000
>> Environmental, Property and	d Human Health Matrix Harm	
Release	Major Moderate Minor	
OR Actual		
Potential Potential	Percent (	<u>0%</u>
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	X Percent	1%
Matrix Notes	Greater than 70% of the rule requirement was met.	, and the second
	Adjustment	\$9,900
		\$100
Violetia Farele		Ψ,,οο
Violation Events		
Number of Violat	ion Events 1 64 Number of violation	ı days
with an x	daily monthly quarterly Violation emiannual annual ngle event x	Base Penalty \$100
<b>[</b>		
	One single event is recommended.	
Economic Benefit (EB) for this	violation Statutory Limit	Test
Estimated E	B Amount \$2 Violation Final	Penalty Total \$130
	This violation Final Assessed Penalty (adjust	ed for limits) \$130
	e riolaton i mai Assessed i charty (adjust	

	. E	conomic l	3enefit W	orks	heet		M. (2)
Respondent	Georgia Gulf C	hemicals & Vinyls,	LLC			4.5	
Case ID No.	34745					14 9.1 MV 14	
Reg. Ent. Reference No.	RN100213958						
		lazardous Waste				Dercent Interest	Years of
Violation No.						Percent Interest	Depreciation
Violation ito.	7					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$		, , , , , , , , , , , , , , , , , , , ,				
Delayed Costs							
Delayed Costs Equipment	F	<u> </u>		0.0	\$0	\$0	\$0
Buildings			nia Tradición	0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$200	19-Jun-2007	22-Aug-2007	0.2	\$2	n/a	\$2
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal							Φ.Ο.
Remediation/Disposal		llj		0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a n/a	\$0
			1,	0.0	\$0 \$0	n/a n/a	\$0 \$0
Permit Costs			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0 0.0 Waste Scomplian	\$0 \$0 ummary from the i	n/a n/a nvestigation date to	\$0 \$0 the date of
Permit Costs  Other (as needed)			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0 0.0 Waste Scomplian	\$0 \$0 ummary from the ice.	n/a n/a nvestigation date to one-time avoided o	\$0 \$0 the date of
Permit Costs Other (as needed) Notes for DELAYED costs			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0 0.0 Waste Scomplian	\$0 \$0 ummary from the lice.	n/a n/a nvestigation date to one-time avoided o	\$0 \$0 the date of osts)
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0 0.0 Waste Scomplian	\$0 \$0 ummary from the lice. item (except for \$0 \$0	n/a n/a nvestigation date to one-time avoided c \$0 \$0	\$0 \$0 the date of osts) \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Waste Scomplian	\$0 \$0 ummary from the loce. item (except for \$0 \$0 \$0	n/a n/a nvestigation date to  one-time avoided c \$0 \$0 \$0	\$0 \$0 the date of osts) \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Waste Scomplian  ontering  0.0  0.0  0.0  0.0  0.0  0.0	\$0 \$0 ummary from the loce. item (except for \$0 \$0 \$0	n/a n/a nvestigation date to  one-time avoided c \$0 \$0 \$0 \$0	\$0 \$0 the date of osts) \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0   0.0   0.0   Waste Scomplian   0.0   0.0   0.0   0.0   0.0	\$0 \$0 ummary from the ice. item (except for \$0 \$0 \$0 \$0	n/a n/a nvestigation date to  one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 the date of osts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0   0.0   0.0   Waste Scomplian   0.0   0.0   0.0   0.0   0.0   0.0   0.0	\$0 \$0 ummary from the ice. item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a nvestigation date to one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 the date of \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0   0.0   0.0   Waste Scomplian   0.0   0.0   0.0   0.0   0.0	\$0 \$0 ummary from the ice. item (except for \$0 \$0 \$0 \$0	n/a n/a nvestigation date to  one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 the date of osts) \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0   0.0   0.0   Waste Scomplian   0.0   0.0   0.0   0.0   0.0   0.0   0.0	\$0 \$0 ummary from the ice. item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a nvestigation date to one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 the date of \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0   0.0   0.0   Waste Scomplian   0.0   0.0   0.0   0.0   0.0   0.0   0.0	\$0 \$0 ummary from the ice. item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a nvestigation date to one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 the date of \$0 \$0 \$0 \$0 \$0 \$0
Permit Costs Other (as needed)  Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)			1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	0.0   0.0   0.0   Waste Scomplian   0.0   0.0   0.0   0.0   0.0   0.0   0.0	\$0 \$0 ummary from the ice. item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a n/a nvestigation date to one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 the date of \$0 \$0 \$0 \$0 \$0 \$0

### **Compliance History**

Customer/Respondent/Owner-Operator: CN600753966 Georgia Gulf Chemicals & Vinyls, LLC Classification: AVERAGE Rating: 2.02 RN100213958 GEORGIA GULF CHEMICALS & Classification: AVERAGE Site Rating: 1.04 Regulated Entity: VINYLS ID Number(s): AIR OPERATING PERMITS ACCOUNT NUMBER HG0276T AIR OPERATING PERMITS PERMIT 1621 TXD093565653 EPA ID INDUSTRIAL AND HAZARDOUS WASTE **GENERATION** INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 31608 **GENERATION** (SWR) INDUSTRIAL AND HAZARDOUS WASTE **PERMIT** 50380 **STORAGE** WASTEWATER **PERMIT** WQ0002067000 WASTEWATER PERMIT TPDES0072320 WASTEWATER PERMIT TX0072320 AIR NEW SOURCE PERMITS PERMIT 4825A AIR NEW SOURCE PERMITS PERMIT 19043 AIR NEW SOURCE PERMITS **PERMIT** 22080 AIR NEW SOURCE PERMITS PERMIT 23352 AIR NEW SOURCE PERMITS 23974 PERMIT 26689 AIR NEW SOURCE PERMITS PERMIT AIR NEW SOURCE PERMITS **PERMIT** 31989 42845 AIR NEW SOURCE PERMITS PERMIT AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0276T 4820100186 AIR NEW SOURCE PERMITS AFS NUM AIR NEW SOURCE PERMITS REGISTRATION 79556 TXR05K835 PERMIT STORMWATER WQ0002067000 WASTEWATER LICENSING LICENSE IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # 31608 (SWR) Rating Date: September 01 07 Repeat Violator: NO 3503 PASADENA FWY, PASADENA, TX, 77503 Location: TCEQ Region: **REGION 12 - HOUSTON** Date Compliance History Prepared: October 02, 2007 Agency Decision Requiring Compliance History: Enforcement Compliance Period: October 02, 2002 to October 02, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Colin Barth 512 239 0086 Name: Phone: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? No N/A 3. If Yes, who is the current owner? N/A 4. if Yes, who was/were the prior owner(s)? 5. When did the change(s) in ownership occur? N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. ADMINORDER 2005-0766-AIR-E Effective Date: 05/12/2006 Classification: Moderate 30 TAC Chapter 116, SubChapter B 116.115(c) Citation: 30 TAC Chapter 117, SubChapter B 117.206(c)(3)(A)

5C THC Chapter 382, SubChapter A 382.085(b)

Rgmt Prov: Permit No. 4825A, Special Condition #1 PA

Description: Failed to comply with emissions limits.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Permit #4825A, Special Cond. #24(B)(1) PA
Description: Failed to comply with the relative accuracy required of a continuous emissions monitor system
(CEMS).

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

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(198596)
 1 10/24/2002
  11/18/2002
                  (198600)
3 11/18/2002
                  (15003)
 4
   12/12/2002
                  (198604)
 5 01/15/2003
                  (198608)
6 02/21/2003
                  (198568)
7 03/24/2003
                  (198571)
8 04/18/2003
                  (198576)
9 05/01/2003
                  (9669)
10 05/08/2003
                  (25491)
                  (198580)
11 05/14/2003
12 06/16/2003
                  (198584)
                  (312510)
13 07/24/2003
                  (312512)
14 08/18/2003
15 10/07/2003
                  (312514)
16 10/17/2003
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19 01/15/2004
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20 01/22/2004
                  (251627)
21 02/10/2004
                  (259711)
22 02/23/2004
                  (312499)
23 03/17/2004
                  (312502)
24 04/19/2004
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25 05/18/2004
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26 06/16/2004
                  (312508)
27 07/19/2004
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28 08/11/2004
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30 08/31/2004
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35 10/19/2004
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36 10/28/2004
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37 10/28/2004
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38 11/06/2004
                  (291155)
39 11/11/2004
                  (290028)
40 11/23/2004
                  (359092)
41 11/29/2004
                  (339539)
42 12/08/2004
                  (359090)
43
   12/22/2004
                  (341420)
44
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                  (385758)
45
   01/21/2005
                  (385759)
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                  (385756)
47
   03/21/2005
                  (385757)
   04/08/2005
                  (349412)
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   04/18/2005
                  (423706)
50 05/16/2005
                  (423707)
51 06/02/2005
                  (379891)
52 06/16/2005
                  (423708)
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53 07/15/2005

55 08/18/2005

56 08/19/2005

07/19/2005

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57 08/23/2005
                 (401722)
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                    (405605)
59 08/24/2005
                    (405577)
60 09/15/2005
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61 09/15/2005
                    (444503)
62 10/17/2005
                    (475170)
63 11/21/2005
                    (436557)
64 12/14/2005
                    (475171)
65 01/10/2006
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                   (549901)
88 02/19/2007
                   (549896)
89 03/20/2007
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93 07/20/2007
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94 07/20/2007
                   (584333)
95 07/20/2007
                   (584334)
96 08/22/2007
                   (572842)
97 08/30/2007
                   (573429)
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#### E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date 05/08/2003

(25491)

Self Report?

Citation:

Citation:

30 TAC Chapter 335, SubChapter A 335.8(a)(1)

TWC Chapter 26 26.266

Description:

During the investigation, technical deficiencies were noted in Georgia Gulf's

Classification

Moderate

Moderate

groundwater remediation program for which corrective actions are need

Date 06/30/2003 (312510)

Self Report? YES Classification

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]

Failure to meet the limit for one or more permit parameter

Description: Date 07/31/2003 (312512)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date 10/28/2004 (371116)

Self Report? Classification Moderate

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date 10/28/2004 (593305)

Self Report? Classification Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

30 TAC Chapter 305, SubChapter F 305.125(1)

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
GEORGIA GULF CHEMICALS &	§	
VINYLS, LLC	· §	ENVIRONMENTAL QUALITY
RN100213958	Ŭ	•

### AGREED ORDER DOCKET NO. 2007-1616-IHW-E

#### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Georgia Gulf Chemicals & Vinyls, LLC ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a petrochemical manufacturing facility at 3503 Pasadena Freeway in Pasadena, Harris County, Texas (the "Facility").
- 2. The Facility involves or involved the management of industrial hazardous waste as defined in TEX. HEALTH & SAFETY CODE ch. 361.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 3, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Twenty-Nine Thousand Five Hundred Ten Dollars (\$29,510) is assessed by the Commission in settlement of the violations alleged in Section II

.  ("Allegations"). The Respondent has paid Twenty-Three Thousand Six Hundred Eight Dollars (\$23,608) of the administrative penalty and Five Thousand Nine Hundred Two Dollars (\$5,902) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. The Respondent ceased the unauthorized disposal of waste stream 0137603H on February 1, 2007;
  - b. A Closure Plan for the Boiler and Industrial Furnace ("BIF") unit that burned hazardous waste stream 0137603H was approved by the TCEQ on August 6, 2007;
  - c. The Respondent submitted updates to the 2006 Annual Waste Summary on August 22, 2007; and
  - d. The Respondent updated their Notice of Registration ("NOR") on July 10, 2007 for the following units: 002, 003, 030, 031, 035, 007, 013, 032, V-3402, V-4003, and V-4002.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

#### II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to prevent the unauthorized disposal of hazardous waste, in violation of 30 TEX. ADMIN. CODE § 335.2(a), as documented during an investigation conducted on June 19, 2007. Specifically, from January 12, 2006 to February 1, 2007 the Respondent was burning hazardous waste stream 0137603H in a BIF unit that was certified closed.

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- 2. Failed to provide secondary containment for a tank storing hazardous waste and failed to have a written assessment from a qualified Professional Engineer attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste, in violation of 30 Tex. ADMIN. CODE § 335.69(a)(1)(B) and 40 CODE OF FEDERAL REGULATIONS §§ 265.193(a)(1) and 265.192(a), as documented during an investigation conducted on June 19, 2007. Specifically, the Respondent stored hazardous waste stream 0137603H in tank unit 036/V-24 without secondary containment and assessment from a Professional Engineer.
- 3. Failed to update the NOR, in violation of 30 Tex. ADMIN. CODE § 335.6(c), as documented during an investigation conducted on June 19, 2007. Specifically, the NOR did not include updates to the following units; 002, 003, 030, 031, 007, 013, 032, and 035. Also units V-3402, V-4003, and V-4002 need to be added to the NOR and units 030 and 007 need to be associated with waste stream 02182192.
- 4. Failed to maintain an accurate Annual Waste Summary in 2006, in violation of 30 TEX. ADMIN. CODE § 335.9(a)(2), as documented during an investigation conducted on June 19, 2007. Specifically, the Annual Waste Summary for 2006 did not contain waste stream 0137603H or the amount of waste generated at the Facility.

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Georgia Gulf Chemicals & Vinyls, LLC, Docket No. 2007-1616-IHW-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 45 days after the effective date of this Agreed Order:
    - i. Provide secondary containment for tank unit 036/V-24 and provide written assessment from a qualified Professional Engineer attesting that unit 036/V-24 has sufficient structural integrity and is acceptable for the storing and treating of

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hazardous waste, in accordance with 40 CODE OF FEDERAL REGULATIONS § 265.193(a)(1); or

- ii. Submit an updated NOR to demonstrate unit 036/V-24 is not a hazardous waste unit and follow all directives from the Waste Permits Division;
- iii. The engineer certification or the updated NOR should be sent to:

Industrial and Hazardous Waste Permits Section, MC 130 Waste Permits Division
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

b. Within 60 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team Enforcement Division, MC 149A Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486 Commence of the State of the Commence of the C

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- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

### SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	3/21/2008 Date
attached Agreed Order on behalf of the entity in	attached Agreed Order. I am authorized to agree to the dicated below my signature, and I do agree to the terms nowledge that the TCEQ, in accepting payment for the resentation.
<ul> <li>timely pay the penalty amount, may result in:</li> <li>A negative impact on compliance history;</li> <li>Greater scrutiny of any permit application</li> <li>Referral of this case to the Attorney Gerpenalties, and/or attorney fees, or to a coll</li> <li>Increased penalties in any future enforcer</li> </ul>	ns submitted; neral's Office for contempt, injunctive relief, additional lection agency; nent actions; al's Office of any future enforcement actions; and by law.
D. A. Ashan Signature	1(25/2008 Date
Name (Printed or typed) Authorized Representative of Georgia Gulf Chemicals & Vinyls, LLC	Plant Manager Title

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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